

# Kasson Township Planning Commission Bylaws

The following rules of procedure are hereby adopted by the Kasson Township Planning Commission to facilitate the performance of its duties as outlined in the Michigan Planning Enabling Act, Public Act 33 of 2008, as amended, MCL 125.3801, *et seq.* and PA 267 OF 1976, as amended, the Open Meetings Act.

## SECTION 1: Officers

- A. Selection and Tenure**—At the first regular meeting each December, the planning commission shall select from its membership a chairperson, vice chairperson and secretary. All officers shall serve a term of one year, or until their successors are selected and assume office, except as noted in B and C, below. All officers shall be eligible for re-election for consecutive terms for the same office. The term of the officers shall be for the following calendar year.
- B. Chairperson**—The chairperson shall preside at all meetings, appoint committees and perform such other duties as may be ordered by the planning commission.
- C. Vice Chairperson**—The vice chairperson shall act in the capacity of the chairperson in his/her absence. In the event the office of chairperson becomes vacant, the vice chairperson shall succeed to this office for the unexpired term, and the planning commission shall select a successor to the office of vice chairperson for the unexpired term.
- D. Secretary**—The secretary shall execute documents in the name of the planning commission, perform the duties hereinafter listed below, and shall perform such other duties as the planning commission may determine.
- Minutes**—The secretary shall be responsible for maintaining a permanent record of the minutes of each meeting and shall have them recorded in suitable permanent records maintained by the township clerk. The minutes shall contain a brief synopsis of the meeting, including a complete restatement of all motions and record of votes, conditions or recommendations made on any action and record of attendance. Minutes shall be available for public inspection as provided by the Michigan Open Meetings Act.
  - Correspondence**—The secretary shall be responsible for issuing formal written correspondence with other groups or persons, as directed by the planning commission. All communications, petitions, reports or other written materials received by the secretary shall be brought to the attention of the planning commission.
  - Attendance**—The secretary shall be responsible for maintaining an attendance record for each planning commission member and report those records annually to the planning commission for inclusion in the annual report to the township board.
  - Notices**—The secretary shall issue such notices as may be required by the planning commission.
- E. Township Board Representative**—The township board representative shall present the recommendations of the planning commission as required by the zoning ordinance, subdivision ordinance or other ordinance to the township board prior to their consideration of such request.
- F. Zoning Board of Appeals Representative**—The planning commission representative to the zoning board of appeals shall report the actions of the zoning board of appeals to the planning commission and update the zoning board of appeals on actions by the planning commission that relate to the functions and duties of the zoning board of appeals.
- G. Recording Secretary**
- A recording secretary, if appointed, shall assume those duties of the secretary delegated by the commission.
  - The recording secretary shall be appointed by the Township Board.

## SECTION 2: Meetings

- A. Regular Meetings**—The planning commission shall hold not less than four regular meetings each year and by resolution shall determine the time and place of such meetings. Other meetings may be held as necessary. When a regular meeting falls on a legal holiday or upon a day resulting in a conflict, the planning commission shall, if possible, select a suitable alternate meeting date in the same month as the originally scheduled meeting.

Notice of regular or scheduled planning commission meetings shall be posted at the principal township office within 10 days after the planning commission's first meeting in each fiscal year in accordance with the Open Meetings Act.

At the request of the chairperson, upon consultation with and agreement by not less than one (1) member of the commission, a scheduled meeting may be cancelled due to extraordinary circumstances such as weather. Such meetings shall be rescheduled at the discretion of the chairperson and posted in accordance with the Open Meetings Act covering Special Meetings.

- B. Special Meetings**—Special meetings may be called by the chairperson or upon written request to the secretary by at least two members of the planning commission. The business the planning commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act. All costs of special meetings held to consider requests of applicants for approvals under the zoning ordinance (or for such other purposes as may be necessary) shall be paid by the applicant for such requests.

Notice of special meetings shall be given to the members of the planning commission and the Township Clerk at least forty-eight hours prior to the meeting. Such notice shall state the purpose, time and location of the special meeting and shall be posted in accordance with the Open Meetings Act.

- C. Public Records**—All meetings, minutes, records, documents, correspondence and other materials of the planning commission shall be open to public inspection in accordance with the Freedom of Information Act, except as may otherwise be provided by law.
- D. Quorum**— Three (3) members of the planning commission shall constitute a quorum for transacting business and taking official action for all matters. Whenever a quorum is not present, those present may adjourn the meeting to another time and day, in accordance with the provisions of the Open Meetings Act, or hold the meeting to consider the matters on the agenda. No action taken at a meeting without a quorum shall be final or official unless and until ratified and confirmed at a subsequent meeting at which a quorum is present by approving the minutes of that meeting.)
- E. Voting**—An affirmative vote two-thirds (2/3) of the planning commission membership is required to adopt any part of the master plan or amendments to the plan. Unless required by statute, other actions or motions placed before the planning commission may be adopted by a majority vote of the membership in attendance, as long as a quorum is present. Voting shall be by voice vote; a roll call vote shall be required if requested by any commission member or directed by the chairperson. All planning commission members, including the chairperson, shall vote on all matters, but the chairperson shall vote last. Any member may be excused from voting only if that person has a bonafide conflict of interest as recognized by the majority of the remaining members of the commission. Any member abstaining from a vote shall not participate in the discussion of that item.
- F. Attendance by Telephone.** – A member of the commission who is unable to attend a meeting, due to absence from the area or for medical reasons, may participate in and vote at any meeting of the Commission by telephone. The telephone equipment used shall allow the absent member to hear all other commissioners, and allow all other commissioners and members of the public in attendance to hear the absent members.
- G. Agenda**—The Secretary or designee shall be responsible for preparing an agenda for planning commission meetings. The order of business for meetings shall be as follows:
1. Call to Order and Pledge of Allegiance

2. Roll Call and Recognition of Visitors
3. Approval of Minutes
4. Consideration (Additions or Deletions) and Approval of Agenda
5. Conflicts of Interest
6. Scheduled Public Hearings (when applicable)
7. Correspondence Received
8. Comments from Planning Commissioners and Zoning Administrator
9. General Comments from Audience
10. Old Business
11. New Business
  - a. Setting Public Hearing Dates
  - b. Other New Business
12. General Comments from Audience
13. Adjournment

**H. Communications to the Commission**—An individual who wishes to address the planning commission, but is unable to attend a commission meeting, may do so in writing. The communication may be a) sent by US Mail, address as follows: Kasson Township Planning Commission, PO Box 62, Maple City, MI 49664; b) delivered in person to the Kasson Township Clerk; or c) sent by email if the Township Clerk is able to receive e-mail. (Information on how to contact the Clerk may be found on the Leelanau County website: <http://www.leelanau.cc/kassontwpdir.asp> under the heading of “Clerk”.

The communication must be received by 5:00 PM, seven (7) calendar days before the commission meeting (for example Monday by 5:00 PM for the following Monday meeting). Materials received after the due day may be accommodated, whenever practical, at the discretion of the Commission.

If the materials being submitted have attachments or exhibits that are other than on standard plain paper either 8.5” x 11” or 8.5” x 14” in size, then ten (10) copies of the attachments or exhibits must be provided (such as blueprints, photos, recordings, etc.)

Any delay in the receipt of communications by the Township Clerk is the full responsibility of the individual even though the delay is beyond the control of the individual.

- I. Public Hearings**—All public hearings held by the planning commission must be held as part of a regular or special meeting of the planning commission.
1. **Master Plan and Zoning Hearings**—Before the adoption of any part of the Master Plan, or any amendment to the Master Plan, or recommending approval of an amendment to the zoning ordinance to the township board, the commission shall hold a public hearing on the matter. The secretary shall follow the notice requirements in accordance with the Open Meetings Act.
  2. **Special Hearings**—Notice of special hearings for the purpose of presenting preliminary master plans, obtaining public opinion on a problem, or discussion of a particular problem with interested parties shall follow the notice requirements in accordance with the Open Meetings Act.
  3. **Notice of Decision**—A written notice containing the decision of the planning commission will be sent to petitioners and originators of the request. Any approved plans should be filed with the township board and the county planning commission
  4. **Rules of procedure**--The following rules of procedure shall apply to public hearings held by the planning commission:
    - a. Chairperson opens the public hearing and announces the subject.
    - b. Chairperson summarizes the procedures/rules to be followed during the hearing.
    - c. Applicant presents the main points of the application.
    - d. Persons speaking in support of the application are recognized.
    - e. Persons speaking in opposition to the application are recognized.
    - f. Chairperson closes the public hearing and returns to the regular/special meeting.
    - g. Township planner/engineer/other consultants present their report and recommendation.

h. Planning commission begins deliberation and arrives at a decision.

5. Rules for Speakers During Public Comment Agenda Items

- To ensure everyone has the opportunity to speak, the chairperson may elect to limit the time permitted for each person to speak, except that the applicant may be permitted additional time as the chairperson allows.
- The chairperson may encourage groups to designate one or more individuals to speak on their behalf to avoid cumulative comments.
- The chairperson may also elect to allow persons to speak only once, until all persons have had the opportunity to speak, at which time the chairperson, in his/her discretion, may permit additional comments.
- Unless specific permission is granted by a majority vote of the Commission members, speakers shall be required to verbally identify themselves and their primary residence address each time they address the Commission.
- Unless specific permission is granted by a majority vote of the Commission members, speakers shall be limited to audience members who are primary residents of, or who are property owners of record in Kasson Township.
- The chairperson shall not permit personal attacks upon any individual employee or Commission member during Commission meetings.
- Although speakers may ask questions of the applicant during their time to speak, response by the applicant will not be allowed during the speaker's time limit.
- Speakers may ask questions of the Commission, but at the discretion of the chairperson, responses to those questions may or may not be given during the public comment portion of the meeting.
- During the public comment portion of Public Hearings, speakers shall declare if they are in favor of, or opposed to the matter under consideration by the Commission. Their comments shall be limited to that matter. The agenda shall first include comments in favor of the matter, followed by comments against the matter.
- Comments by the public during non-public comment portions of the agenda are not allowed, except at the discretion of the chairperson.

I. **Chairperson Pro-Tem**— When both the Chairperson and Vice-Chairperson are both absent from any meeting, the commissioners present shall select a Chairperson Pro-Tem by simple majority vote.

**SECTION 3: Duties of the Planning Commission**

The planning commission shall perform the following duties:

- A. Take such action on petitions, staff proposals and township board requests for amendments to the zoning ordinance as required.
- B. Take such action on petitions, staff proposals and township board requests for amendments to the master land use plan as required.
- C. Shall prepare an annual report to the township board concerning its operations and the status of its planning activities, including any pertinent recommendations.
- D. Prepare an annual work program and budget, to be included in the annual report.
- E. Take such actions as are required by the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

- F. Review subdivision and condominium proposals and recommend appropriate actions to the township board.
- G. Prepare special studies and plans, as deemed necessary by the planning commission or township board and for which appropriations of funds have been approved by the township board, as needed.
- H. Attend training sessions, conferences or meetings as needed to properly fulfill the duties of planning commissioner and for which appropriations of funds have been approved by the township board, as needed.
- I. Prepare a capital improvements plan, as provided by state law
- J. Perform other duties and responsibilities or respond as requested by any township board or commission.

#### **SECTION 4: Duties of the Zoning Administrator**

- A. The planning commission shall be assisted by the zoning administrator in performing the planning commission's duties, as noted in Section 3.
- B. The zoning administrator shall be responsible for the professional and administrative work in coordinating the functions of the planning commission.
- C. The zoning administrator shall:
  1. Supervise and review the work of the planning consultant and township staff.
  2. Accept applications for matters to be reviewed by the planning commission and ensure that such applications are complete.
  3. Forward application materials to the planning commission at least one week prior to the meeting at which the matters will be considered.
  4. Inform the planning commission of administrative and enforcement actions taken on behalf of the township related to the zoning or other appropriate ordinance.
- D. The planning commission may be assisted by other professional or township staff as needed, including the building inspector, township attorney, township engineer or other person or agency.

#### **SECTION 5: Absences, Removals, Resignations and Vacancies**

- A. To be excused, members of the planning commission shall notify the township supervisor, planning commission chairperson or other planning commission member when they intend to be absent from a meeting. Failure to make this notification prior to the meeting shall result in an unexcused absence.
- B. Members may be removed by the township board for misfeasance, malfeasance or nonfeasance in office upon written charges and after a public hearing.
- C. A member may resign from the planning commission by sending a letter of resignation to the township supervisor, township board or planning commission chairperson.
- D. Vacancies shall be filled by the township supervisor, with the approval of the township board, within one month of resignation or removal of a planning commission member. Successors shall serve out the unexpired term of the member being replaced.

#### **SECTION 6: Conflict of Interest**

- A. Planning commission members shall declare a conflict of interest and abstain from participating in a hearing or deliberations on a request when:
  1. A relative or other family member is involved in any request for which the planning commission is asked to make a decision;
  2. The planning commission member has a business or financial interest in the property involved in the request or has a business or financial interest in the applicant's company, agency or association;

3. The planning commission member owns or has a financial interest in neighboring property. For purposes of this section, a neighboring property shall include any property falling within the notification radius for the proposed development, as required by the zoning ordinance or other applicable ordinance, or
  4. There is a reasonable appearance of a conflict of interest, as determined by the planning commission member declaring such conflict.
- B.** The planning commission member declaring a conflict of interest should state the nature of the conflict and whether he or she believes he or she could impartially consider the request before the commission. He or she should individually decide to abstain from any discussion or votes relative to the matter that is the subject of the conflict. The member declaring a conflict may absent him/herself from the room in which the discussion takes place, unless doing so would violate his or her constitutionally protected rights to participate. He or she should not make any presentations to the planning commission as a representative of the proposal.
- C.** A vote of a majority of the planning commission may also be taken to declare a conflict of interest on the part of a member. The vote shall not include the member who is the subject of the potential conflict.

## **SECTION 7: Amendments**

These bylaws may be amended at any meeting by a two-thirds (2/3) vote of the members present.

Adopted 9/11/89  
Revised 11/21/94  
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Revised 02/15/16